

Amendments to the Claims

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Claim 1 (Previously amended): Hybrid maize seed designated 38A24, representative seed of said hybrid 38A24 having been deposited under ATCC accession number PTA-4265.

Claim 2 (Original): A maize plant, or its parts, produced by the seed of claim 1.

Claim 3 (Original): Pollen of the plant of claim 2.

Claim 4 (Original): An ovule of the plant of claim 2.

Claim 5 (Currently amended): A tissue culture of regenerable cells or protoplasts of said cells of hybrid maize plant 38A24, representative seed of said hybrid maize plant 38A24 having been deposited under ATCC accession number PTA-4265.

Claim 6 (Previously amended): The tissue culture according to claim 5, the cells or protoplasts of said cells having been isolated from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

Claim 7 (Previously amended): A maize plant, or its parts, regenerated from the tissue culture of claim 5 and capable of expressing all the morphological and physiological characteristics of hybrid maize plant 38A24, representative seed having been deposited under ATCC accession number PTA-4265.

Claim 8 (Currently amended): The maize plant of claim 2 wherein said plant further comprises ~~a genetic factor conferring~~ stably integrated male sterility.

Claims 9-11 (Canceled)

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Claim 12 (Currently amended): The hybrid maize plant according to claim 2, wherein the genetic material of said plant contains one or more transgenes which have been stably integrated therein, said transgenes selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, a herbicide resistance gene, and a male sterility gene.

Claims 13-19 (Canceled)

Claim 20 (Original): A maize plant, or its parts, having all the morphological and physiological characteristics of the plant of claim 2.

Claim 21 (Currently amended): The maize plant of claim 20 wherein said maize plant further comprises ~~a genetic factor conferring~~ stably integrated male sterility.

Claims 22-24 (Canceled)

Claim 25 (Currently amended): The hybrid maize plant according to claim 20, wherein the genetic material of said plant contains one or more transgenes which have been stably integrated therein, said transgenes selected from the group consisting of: a plant disease resistance gene, an insect resistance gene, a herbicide resistance gene, and a male sterility gene.

Claims 26-32 (Canceled)

Claim 33 (Currently amended): A method of making a hybrid maize plant designated 38A24 comprising:  
crossing an inbred maize plant GE533340, deposited as PTA-4287 with a second inbred maize plant GE501400, deposited as PTA-1282; and  
developing from the cross a said hybrid maize plant designated 38A24 representative seed of which having been deposited under ATCC Accession Number PTA-4265.

Claims 34-40 (Canceled)

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Claim 41 (Currently amended): A method of producing a male sterile maize plant comprising transforming the maize plant of claim 2 with a ~~genetic factor~~ transgene conferring male sterility.

Claim 42 (Previously added): The method of claim 41 wherein a male sterile maize plant is produced.

Claim 43 (New): A method of making an F1 hybrid maize plant comprising:

- 1) stably integrating a transgene that encodes a product that confers insect resistance into at least one of inbred maize parent plants GE533340 or GE501400, representative samples of which have been deposited as PTA-4287 and PTA-1282 respectively, and
- 2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 44 (New): A method of making an F1 hybrid maize plant comprising:

- 1) stably integrating a transgene that encodes a product that confers herbicide resistance into at least one of inbred maize parent plants GE533340 or GE501400, representative samples of which have been deposited as PTA-4287 and PTA-1282 respectively, and
- 2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 45 (New): A method of making an F1 hybrid maize plant comprising:

- 1) stably integrating a transgene that encodes a product that confers disease resistance into at least one of inbred maize parent plants GE533340 or GE501400, representative samples of which have been deposited as PTA-4287 and PTA-1282 respectively, and
- 2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 46 (New): A method of making an F1 hybrid maize plant comprising:

- 1) stably integrating male sterility into at least one of inbred maize parent plants GE533340 or GE501400, representative samples of which have been deposited as PTA-4287 and PTA-1282 respectively, and
- 2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

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Claim 47 (New): The method of claim 46 wherein said F1 hybrid maize plant further comprises a transgene conferring male sterility.

Claim 48 (New): A method of making an F1 hybrid maize plant comprising:

1) stably integrating male fertility restoration into at least one of inbred maize parent plants GE533340 or GE501400, representative samples of which have been deposited as PTA-4287 and PTA-1282 respectively, and

2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 49 (New): The method of claim 46 wherein said F1 hybrid maize plant further comprises a transgene conferring male fertility restoration.

Claim 50 (New): A method of making an F1 hybrid maize plant comprising:

1) stably integrating a gene that encodes a product that confers imidazolinone resistance into at least one of inbred maize parent plants GE533340 or GE501400, representative samples of which have been deposited as PTA-4287 and PTA-1282 respectively, and

2) crossing said inbred maize parent plants to produce said F1 hybrid maize plant.

Claim 51 (New): The maize plant of claim 12 wherein said transgene is an herbicide resistance transgene selected from the group consisting of: a transgene conferring glyphosate resistance, a transgene conferring glufosinate resistance, a transgene conferring imidazolinone resistance and a transgene conferring sulfonylurea resistance.

Claim 52 (New): The maize plant of claim 25 wherein said transgene is an insect resistance gene encoding a *Bacillus thuringiensis* polypeptide.

Claim 53 (New): The hybrid maize plant according to claim 2, wherein the genetic material of said plant contains one or more stably integrated genes that encode a product conferring imidazolinone or sulfonylurea resistance.

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Claim 54 (New): The hybrid maize plant according to claim 2, wherein the genetic material of said plant contains one or more transgenes which have been stably integrated therein, said transgenes encoding a product that modifies fatty acid metabolism, that decreases phytate content, or that modifies starch metabolism.